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**TITLE 470 DIVISION OF FAMILY RESOURCES**

**Proposed Rule**  
LSA Document #12-551

**DIGEST**

Amends [470 IAC 10.3-1-1](#) to include a definition of "mailed". Amends [470 IAC 10.3-10-1](#) to exempt recently resettled refugees from the IMPACT program. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[470 IAC 10.3-1-1](#); [470 IAC 10.3-10-1](#)

SECTION 1. [470 IAC 10.3-1-1](#) IS AMENDED TO READ AS FOLLOWS:

**[470 IAC 10.3-1-1](#) Definitions**

**Authority:** [IC 12-13-7-5](#); [IC 12-13-14-2](#); [IC 12-14-28-7](#)

**Affected:** [IC 5-22-17-8](#); [IC 12-7-2](#); [IC 12-13-14-1](#); [IC 12-14](#)

Sec. 1. (a) The definitions in [IC 12-7-2](#), [IC 12-13-14-1](#), and this section apply throughout this article.

(b) "Applicant" means the person who requests or applies for TANF assistance, refugee assistance, or other services provided under:

- (1) the Title IV-A plan; or
- (2) 45 CFR Part 400.

(c) "Assistance group" means those persons whose income, resources, or needs are considered in determining eligibility or payment amount, or both, for:

- (1) TANF assistance or other services provided under the Title IV-A plan; or
- (2) refugee assistance under 45 CFR 400, Subpart E.

(d) "Attending school full time" means that the educational institution that a student is attending classifies him or her as such.

(e) "Availability date" means the day of the month on which cash assistance:

- (1) is credited to the account of a recipient; and
- (2) becomes available for payment or withdrawal through the recipient's EBT card.

(f) "Available assistance" means cash assistance that is:

- (1) credited to the account of a recipient; and
- (2) available for payment or withdrawal through the recipient's EBT card.

(g) "Caretaker relative" means the specified individual relative who is exercising care and control over the eligible dependent child or children.

(h) "Cash assistance" means monetary payments that a recipient is eligible to receive through the Indiana EBT program, as determined by the division. The term includes, but is not limited to, the following:

- (1) TANF assistance.
- (2) Refugee assistance.

(i) "Dependent child" means a child under eighteen (18) years of age.

(j) "Division" means the family and social services administration's division of family resources.

- (k) "EBT" means electronic benefit transfers as a method of distributing cash assistance, described in [IC 12-13-14](#).
- (l) "EBT card" means a plastic card that can be used to effect transactions through the Indiana EBT program.
- (m) "EBT contractor" means:
- (1) a person;
  - (2) a firm;
  - (3) a corporation; or
  - (4) another entity;
- that has a contract with the division, under [IC 5-22-17-8](#), to operate all or any part of an EBT program in Indiana.
- (n) "Full-time student" means an individual who attends an educational institution full time as defined by the institution.
- (o) "Indiana manpower placement and comprehensive training" or "IMPACT" means the employment and training program administered by the division.
- (p) "Intentional program violation" or "IPV" means an action or statement by an individual for:
- (1) the purpose of establishing or maintaining eligibility; or
  - (2) increasing or preventing the reduction of the TANF grant amount;
- that is intentionally false or misleading, a misrepresentation, a concealment, or a withholding of facts.
- (q) "Investigation" means the actions taken by the division to determine if a family applying for cash assistance is eligible for assistance.
- (r) "Mailed" means written materials transmitted to an applicant or recipient via the United States Postal Service, e-mail, or other means of transmission.**
- ~~(s)~~ **(s)** "Mandatory member" is any individual living in the same household as the dependent child who is:
- (1) a natural parent;
  - (2) an adoptive parent; or
  - (3) a blood-related or adoptive sibling.
- ~~(t)~~ **(t)** "Minor parent" means an individual who:
- (1) has not attained eighteen (18) years of age;
  - (2) is not married; and
  - (3) has a minor child in his or her care.
- ~~(u)~~ **(u)** "Nonparticipating member" means those persons who receive no TANF assistance or refugee assistance, but whose income or needs are considered in determining eligibility for TANF assistance or refugee assistance.
- ~~(v)~~ **(v)** "Nonrecipient" means a person who is not a recipient.
- ~~(w)~~ **(w)** "Parent" means the biological or legal **pare** parent of the dependent child, but does not include a stepparent or a parent whose rights to the child have been terminated.
- ~~(x)~~ **(x)** "Participating in a strike" means engaging in any activity or lack of activity included in the definition of strike in subsection ~~(ff)~~: **(gg)**.
- ~~(y)~~ **(y)** "Participating member" means a person whose needs are considered in determining eligibility for benefits through:
- (1) the Title IV-A plan; or

(2) 45 CFR 400.

~~(y)~~ **(z)** "Participating retailer" means a retailer that:

- (1) owns or operates an automated teller machine (ATM) or point of sale (POS) terminal; and
- (2) has a contract with the division or EBT contractor to provide cash assistance to recipients holding EBT cards.

~~(z)~~ **(aa)** "Payment month" means the calendar month for which TANF assistance or refugee assistance is paid or made available for distribution to eligible recipients through the EBT program.

~~(aa)~~ **(bb)** "Processor" means:

- (1) a person;
- (2) a firm;
- (3) a corporation; or
- (4) another entity;

other than an EBT contractor, that relays electronic transactions between an EBT contractor and a retailer.

~~(bb)~~ **(cc)** "Prospective budgeting" means the determination of eligibility based on the best estimate of income and circumstances that will exist in the payment month.

~~(ee)~~ **(dd)** "Recipient" means a person who is receiving or is eligible to receive cash assistance, or other services provided under:

- (1) the Title IV-A plan; or
- (2) 45 CFR 400;

as determined by the division.

~~(dd)~~ **(ee)** "Refugee assistance" means monetary payments that the division provides to an eligible refugee who does not receive TANF assistance, pursuant to 8 U.S.C. 1522(e) and 45 CFR 400, Subpart E.

~~(ee)~~ **(ff)** "Reinvestigation" means the actions taken by the division to determine if a family remains eligible for cash assistance during a semiannual eligibility review.

~~(ff)~~ **(gg)** "Strike" means concerted failure to report for duty, willful absence from one's position, stoppage of work, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, without the lawful approval of the employer, or in any concerted manner interfering with the operation of an employer.

~~(gg)~~ **(hh)** "TANF assistance" means temporary assistance to needy families in the form of monetary payments or other assistance as defined in 45 CFR 260.31 that a recipient is eligible to receive, as determined by the division, in accordance with the Title IV-A plan.

~~(hh)~~ **(ii)** "Title IV-A plan" means an applicable provision of the plan submitted to and accepted by the United States Secretary of Health and Human Services for use of funds received by Indiana as a state family assistance grant under Title IV-A.

(Division of Family Resources; [470 IAC 10.3-1-1](#); filed Oct 31, 2007, 9:57 a.m.: [20071128-IR-470070087FRA](#))

SECTION 2. [470 IAC 10.3-10-1](#) IS AMENDED TO READ AS FOLLOWS:

**[470 IAC 10.3-10-1](#) Applicant and recipient IMPACT responsibilities**

**Authority:** [IC 12-13](#); [IC 12-14-28-7](#)

**Affected:** [IC 12-14-5](#)

Sec. 1. (a) The requirements of this rule apply to the TANF assistance program.

(b) The IMPACT program provides the following employment and training activities:

(1) Employment services, including the following:

- (A) Job search.
- (B) Job placement.
- (C) Job development.
- (D) On-the-job training.
- (E) Community work experience.
- (F) Other work programs.

(2) Training activities, including the following:

- (A) Job skills assessment.
- (B) Adult basic education.
- (C) High school completion.
- (D) Vocational and other job skills training.

Training and education beyond high school is limited to twelve (12) months. Educational placement is to emphasize vocational skills in a course of study that has the greatest possibility for job placement immediately upon completion. Educational placement must be consistent with the comprehensive assessment completed on the recipient.

(c) The IMPACT program shall be operational statewide.

(d) All:

- (1) applicants for; and
- (2) recipients of;

TANF assistance must comply with the requirements of this section.

(e) Unless exempted under subsection (f), the following participating members of a TANF assistance group are required to participate in the IMPACT program:

- (1) Caretaker relatives.
- (2) Individuals who are at least sixteen (16) years of age.

(f) The following are exempt from participating in the IMPACT program:

- (1) Individuals under sixteen (16) years of age.
- (2) Individuals responsible for the care for a child under twelve (12) weeks of age.
- (3) Individuals receiving:
  - (A) Supplemental Security Income (SSI);
  - (B) Social Security Disability Assistance (SSDA); or
  - (C) other assistance due to disability.
- (4) Individuals eligible for Medicaid for the disabled or blind.
- (5) Individuals sixteen (16) or seventeen (17) years of age who are:
  - (A) full-time students, as defined by the school, attending secondary or elementary school; and
  - (B) not a minor parent TANF head of household.
- (6) Individuals at least sixty (60) years of age.
- (7) Individuals required in the home to care for an incapacitated or disabled household member.

**(8) Refugees, as defined under Section 101(a)(42) of the Immigration and Nationality Act, are exempt for six (6) months from the refugee's date of entry into the United States.**

(g) All applicants of TANF assistance who are required to participate will be:

- (1) referred to IMPACT; and
- (2) required to participate in twenty (20) days of work activities such as:
  - (A) orientation;
  - (B) assessment; and
  - (C) job search;

as a condition of eligibility.

(h) All recipients of TANF assistance who are required to participate in the IMPACT program will be referred to IMPACT. IMPACT participants will be considered for placement in an appropriate employment or training activity with an emphasis on immediate job placement, which may be complemented by education or training, consistent

with the comprehensive assessment of the recipient.

(i) The following actions constitute failure to cooperate with any of the TANF assistance program provisions administered through IMPACT:

(1) Failure to:

- (A) attend orientation or an assessment interview; or
- (B) go to a job interview.

(2) Voluntary termination of employment without the prior approval of the division or designee.

(3) Refusal to accept employment.

(4) Voluntary reduction of employment hours without the prior approval of the division or designee.

(5) Refusal to cooperate with any employment or training agency whose services are included on an individual's employability plan.

(6) Failure to attend all scheduled hours for any activity.

(7) Termination of employment by the employer, because of disciplinary reasons, for example, firing for good cause.

(8) Failure to cooperate or accept employment.

(j) An individual's failure to cooperate is considered to have ceased when the participant:

(1) serves the penalty outlined in [470 IAC 10.3-8-3](#);

(2) reapplies for benefits; and

(3) completes twenty (20) days of work activities.

(k) An individual may be temporarily excused from activities with good cause. Good cause for failure to cooperate with any of the TANF assistance program provisions administered through IMPACT shall be limited to the following reasons:

(1) The required actions were beyond the capability of the individual to perform.

(2) The agency did not provide the services needed by the individual to perform the required actions.

(l) Participants who fail to cooperate will be subject to the program penalties specified in [470 IAC 10.3-8-3](#).

(m) All IMPACT participants will be notified of their rights to a hearing when aggrieved by any action resulting from the IMPACT provisions in accordance with [470 IAC 10.3-11-1](#).

*(Division of Family Resources; [470 IAC 10.3-10-1](#); filed Oct 31, 2007, 9:57 a.m.: [20071128-IR-470070087FRA](#); errata filed Feb 4, 2008, 10:26 a.m.: [20080213-IR-470070087ACA](#); filed Apr 3, 2009, 2:14 p.m.: [20090429-IR-470080203FRA](#); filed Jul 5, 2011, 1:36 p.m.: [20110803-IR-470100244FRA](#); filed Mar 21, 2012, 11:27 a.m.: [20120418-IR-470110179FRA](#))*

### [Notice of Public Hearing](#)

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